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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/700,208 | 11/03/2003 | Glenn A. Walker | DP-309659 | 4184 |

22851 7590 01/30/2007
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| EXAMINER |
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CHAI, LONGBIT

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2131

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/30/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/700,208 | Applicant(s) WALKER ET AL. | |
| | Examiner Longbit Chai | Art Unit 2131 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. No claim for priority has been made in this application.

The effective filing date for the subject matter defined in the pending claims in this application is 11/3/2003.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter where "A processor readable medium having processor-executable instructions" as recited in the claim is interpreted as being not limited to computer readable storage media, for example, as referred to in Specification (SPEC: Page 10, Para [0033]) as being intended to include not only storage media but also communication media that include a carrier wave / signals that "bear" instructions as claimed. Such embodiments of the "manufacture" claim 9 is not computer elements which define structural and functional interrelationships between the instructions and the rest of the computer that permit the functionality of the instructions to be realized. Thus, for at least this reason, claim 9 is directed to a non-statutory subject matter as not being tangible and concrete and it would not be eligible for patentability because it would be eligible for patentability if a practical application was present that produced a useful,

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concrete and tangible result upon execution of the instructions. Any other claims not addressed are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9 and 17 are indefinite because the claim languages (a) “currently transmitted data” recited at the 2nd limitation and (b) “the timing information received by the decryption subsystem” recited at the 3rd limitation are considered to be unclear in its meaning and therefore it is not clear what the Applicant is exactly referred to because:

Regarding (a) “currently transmitted data” should be interpreted with respect to “a communication device” as recited in the preamble – i.e. the data that is transmitted by the communication device; however, this communication device is more like a receiving device, instead of a transmitting device, in the sense that it can buffer the data and timing information as recited in the 1st limitation.

Regarding (b) “the timing information received by the decryption subsystem” should be corrected as “the current timing information associated with the currently transmitted data received by the decryption subsystem”.

Any other claims not addressed are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4 – 9, 12 – 17 and 20 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. (U.S. Patent 5,892,535).

As per claim 1, 9 and 17, Allen teaches a method to time-shift data in a communication device (Allen: Column 3 Line 45 – 47), the method comprising:

buffering the data and timing information using a memory arrangement (Allen: Column 5 Line 40 – 43, Column 11 Line 27 – 32, Column 49 Line 55 – 56 and Column 28 Line 29 – 38);

receiving one of the buffered timing information and current timing information associated with currently transmitted data in a decryption subsystem (Allen: Column 48 Line 24 – 29, Column 25 Line 1 – 8, Column 11 Line 27 – 32, Column 49 Line 55 – 56 and Column 28 Line 29 – 38); and

using the decryption subsystem to decrypt the buffered data (Allen: Column 48 Line 24 – 29) only when the buffered timing information is not earlier than the timing information received by the decryption subsystem (Allen: Column 25 Line 1 – 8, Column 28 Line 29 – 38, Column 11 Line 27 – 32 and Column 49 Line 55 – 56: the data / timing is buffered in the memory where a parser separates the buffered data / timing and the

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currently received data / timing (Column 11 Line 27 – 32) – the parser captures the PCR (Program Clock Reference) from the currently incoming data stream (Column 49 Line 55 – 56), where PCR is placed “periodically” into the transport stream so as to regenerate a clock signal at the decoder (Column 28 Line 29 – 38) – i.e. the clock is recovered from the currently received data (i.e. currently transmitted data) and then buffered in the memory. As a result, the decrypting / decoding can use the timing information from the buffered timing information only before (i.e. not earlier than) the next incoming data stream is arriving since the currently arriving / incoming data stream in a “periodic” basis would regenerate a clock signal at the decoder from the PCR which is placed on the transport stream).

As per claim 4, 12 and 20, Allen teaches transmitting the buffered data to another communication device (Allen: Column 11 Line 27 – 45).

As per claim 5, 13 and 21, Allen teaches transmitting the buffered data to another communication device using a wireless communication protocol (Allen: Column 1 Line 34 – 35: satellite link is one type of wireless links).

As per claim 6, 14 and 22, Allen teaches the wireless communication protocol is selected from the group consisting of the Bluetooth, ZigBee, ultra wideband (UWB), and IEEE 802.11b communication protocols (Allen: Column 1 Line 47 – 49: a single broadband is equivalent to a ultra wideband).

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As per claim 7, 15 and 23, Allen teaches the communication device comprises a satellite-based digital audio radio (SDAR) receiver (Allen: Column 16 Line 21 – 25 and Column 3 Line 42 – 48).

As per claim 8, 16 and 24, Allen teaches the data comprises audio data (Allen: Column 28 Line 1 – 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 – 3, 10 – 11 and 18 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (U.S. Patent 5,892,535), in view of Georges et al. (U.S. Patent 2004/0089141).

As per claim 2, 10 and 18, Allen does not disclose expressly buffering the data and timing information using a removable memory device.

Georges teaches buffering the data and timing information using a removable memory device (Georges : Para [0307] Line 10 – 20: the flash memory is one type of removable memory devices. The MP (microprocessor) extracts the timing information from an input data stream and a flash memory can be used as a buffer memory between it and the MP data bus).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Georges within the system of Allen because Georges teaches a music replay system and the MP (microprocessor) extracts the timing information from an input data stream and a flash memory can be used as a buffer memory between it and the MP data bus (Georges : Para [0100] and Para [0307] Line 10 – 20).

As per claim 3, 11 and 19, Allen as modified teaches the removable memory device comprises a flash memory device (Georges : Para [0307] Line 10 – 20: the flash memory is one type of removable memory devices. The MP (microprocessor) extracts the timing information from an input data stream and a flash memory can be used as a buffer memory between it and the MP data bus).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Longbit Chai
Examiner
Art Unit 2131


LBC


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